

REMARKS

Applicant requests reconsideration of the above-identified application based upon the foregoing amendments and the following remarks.

I. Status of Claims and Explanation of Amendments

Claims 1–11 were pending. The October 11, 2006 Office Action objected to the drawings. The Office Action also rejected claims 1–11 under 35 U.S.C. § 112, 2nd paragraph. The Office Action also rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Jang ‘640 in view of Jang ‘040. The Office Action also rejected claims 1 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Lynch in view of Jang ‘040. The Office Action also rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Carter. The Office Action also rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Surrendi and Jang ‘157. The Office Action also rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over modified Jang ‘640 as applied to claim 1 in view of Surrendi. The Office Action also rejected claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Glover et al. The Office Action also rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Mallookis. The Office Action also rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Suh. The Office Action stated that claims 4 and 6 would be allowable if rewritten to overcome the rejections(s) under 35 U.S.C. § 112, 2nd paragraph set forth in the Action and to include all of the limitations of the base claim and any intervening claims.

By this paper, claim 1 is amended to include the limitations of claim 2, which is canceled. Claim 1 is further amended to recite that “the second rod of the roof edge frame is longer than the first rod of the roof edge frame.” Support for this limitation can be found throughout the original disclosure, including for example at Figures 3C and 3D. Additionally, by this paper, claims 1, 3 and 7 are amended to address the § 112, 2nd paragraph rejections of these claims. Claims 12–15 are added. New claims 12 and 13 recite limitations that were recited in claim 3 as originally filed. Claims 14 and 15 are claims 4 and 6, respectively, in independent form and written in a manner that complies with 35 U.S.C. § 112, 2nd paragraph.

No new matter will be added to the disclosure of this application by entry of these amendments. Entry is respectfully requested.

II. The Drawings Comply With 37 C.F.R. § 1.83

The Oct. 11, 2006 Office Action objected to the drawings for allegedly failing to show certain configurations set forth in claim 2. The Office Action states, “[T]he ‘pyramid type roof, a slate (gable) type roof, a cross type roof, a cross-pyramid type roof and a modified cross-pyramid type roof’ recited in Claim 2 must be shown or the feature(s) canceled from the claim(s).” Office Action p. 2. Applicant respectfully traverses this objection. The aforementioned configurations are shown in Figs. 1A, 3B, 3C, 3D, and 3E, respectively. *See* Specification p. 10. Applicant respectfully requests withdrawal of the drawing objection.

III. The Claims Comply With 35 U.S.C. § 112, 2nd Paragraph

The Office Action rejected claims 1–11 under 35 U.S.C. § 112, 2nd paragraph for being indefinite because the term “the roof end connection block” in line 24 of claim 1 as originally filed allegedly lacks antecedent basis. Applicant respectfully traverses this rejection. In amended claim 1, the term reads “the end portion connection block,” which derives its antecedent basis from “an end portion connection block,” which is recited in line 3 of amended

claim 1. Applicant respectfully requests withdrawal of this rejection of claims 1–11 under 35 U.S.C. § 112, 2nd paragraph.

The Office Action further rejected claim 3 under 35 U.S.C. § 112, 2nd paragraph for indefiniteness because “the applicant does not clearly point out which of a ‘multiunit roof,’ ‘a single-roof multiunit’ or a ‘double-roof multiunit’ is being claimed. Office Action p. 3.

Applicant respectfully traverses this rejection. Applicant notes that the claims do not recite or suggest that the configurations are mutually exclusive, in particular a “multiunit roof” as compared to a “single-roof multiunit” or a “double-roof multiunit.” Nevertheless, amended claim 3 does not recite all three configurations. Instead new claim 12 recites the single-roof multiunit configuration and new claim 13 recites the “double-roof multiunit” configuration. Applicant respectfully requests withdrawal of this rejection of claim 3 under 35 U.S.C. § 112, 2nd paragraph.

The Office Action further rejected claim 7 under 35 U.S.C. § 112, 2nd paragraph for indefiniteness. Applicant respectfully traverses this rejection. The Office Action states that the phrase “are plastic injection structures, are welding structures according to the use thereof” renders the claim indefinite. In amended claim 7, the phrase reads “are plastic injection structures *or* welding structures according to the use thereof” (emphasis added). Applicant submits that this phrase in amended claim 7 does not render the claim indefinite. The Office Action also states that the phrase “have rectangular, square, circular and oval shapes” renders the claim indefinite. Amended claim 7, however, recites that the blocks have rectangular, square, circular, “or” oval shapes. Applicant submits that this limitation in amended claim 7 does not render the claim indefinite. Finally, the Office Action states that the limitations in lines 9–13 of claim 7 as originally filed render the claim indefinite. In amended claim 7, however, the word

“bole” in line 10 of claim 7 as originally filed has been changed to “hole.” Applicant submits lines 7–10 in amended claim 7, which correlate with lines 9–13 of claim 7 as originally filed, are definite. . Applicant respectfully requests withdrawal of this rejection of claim 7 under 35 U.S.C. § 112, 2nd paragraph.

IV. Claims 1–3, 5, and 7–11 are Not Obvious

As mentioned above, the Office Action rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Jang ‘640 in view of Jang ‘040. The Office Action also rejected claims 1 and 3 under 35 U.S.C. § 103(a) as being unpatentable over Lynch in view of Jang ‘040. The Office Action also rejected claim 2 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Carter. The Office Action also rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Surrendi and Jang ‘157. The Office Action also rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over modified Jang ‘640 as applied to claim 1 in view of Surrendi. The Office Action also rejected claims 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Glover et al. The Office Action also rejected claim 10 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Mallookis. The Office Action also rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over modified Lynch as applied to claim 1 in view of Suh.

Applicant respectfully traverses these rejections. Amended claim 1 includes the limitations of originally-filed claim 2 and further recites that the second rod of the roof edge frame is longer than the first rod of the roof edge frame. Claims 2, 3, 5, and 7–11 depend from claim 1 and therefore include all of its limitations. None of the references identified for the § 103(a) rejections discloses or suggests a canopy structure in which the second rod of the roof

edge frame is longer than the first rod of the roof edge frame. This relationship between the first and second rods of the roof frame edge along with all of the other limitations recited in claim 1 results in a canopy structure that has better drainage and is more stable than in the prior art. Additionally, the canopy structure recited in claim 1 does not require an additional vertical rod to the roof center frame. Because none of the references identified for the § 103(a) rejections discloses or suggests a canopy structure in which the second rod of the roof edge frame is longer than the first rod of the roof edge frame, no combination of these references results in a canopy structure that meets all the limitations of claim 1. As such, these references do not render claim 1 obvious. See *M.P.E.P.* § 2143 (8th ed. Rev. 5 Aug. 2006) (stating, “To establish a *prima facie* case of obviousness . . . the prior art reference (or references when combined) must teach or suggest all the claim limitations.”). Claims 2, 3, 5, and 7–11 are not rendered obvious by these references at least for the same reasons that claim 1 is not rendered obvious by these references. Applicant respectfully requests withdrawal of the § 103 rejections of claim 2, 3, 5, and 7–11.

V. New Claims 12–15 are Allowable.

Applicant submits that new claims 12–15 are allowable. New claims 12 and 13 depend from claim 3, which is demonstrated to be allowable above. New claim 14 is claim 4 in independent form and rewritten to comply with 35 U.S.C. § 112, 2nd paragraph. New claim 15 is claim 6 in independent form and rewritten to comply with 35 U.S.C. § 112, 2nd paragraph. The Office Action stated that claims 4 and 6 would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, 2nd paragraph and to include all of the limitations of the base claim and any intervening claims.

Applicant has not specifically addressed the rejections of the dependent claims. Applicant respectfully submits that the independent claims, from which they depend, are in

condition for allowance as set forth above. Accordingly, the dependent claims also are in condition for allowance. Applicant, however, reserves the right to address such rejections of the dependent claims in the future as appropriate.

Applicant has chosen in the interest of expediting prosecution of this patent application to distinguish the cited documents from the pending claims as set forth above. These statements should not be regarded in any way as admissions that the cited documents are, in fact, prior art. Likewise, Applicant has chosen not to swear behind Glover et al. or Suh at this time. Applicant, however, reserves the right, as provided for under 37 C.F.R. § 1.131, to do so in the future as appropriate.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. **13-4500**, Order No. 1592-4043.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. **13-4500**, Order No. 1592-4043.

Respectfully submitted,
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